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SNELL & WILMER LLP 600 ANTON BOULEVARD SUITE 1400 COSTA MESA, CA 92626			SHEPARD, JUSTIN E	
			ART UNIT	PAPER NUMBER
			2623	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	02/08/2007	PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/901,279	FUJITA, KIMIKAZU
	<b>Examiner</b>	<b>Art Unit</b>
	Justin E. Shepard	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 November 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4,9,11,12 and 14-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4,9,11,12 and 14-28 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)  
 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3)  Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5)  Notice of Informal Patent Application  
 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 11/15/06 have been fully considered but they are not persuasive.

Page 32, lines 7-16:

The applicant argues that Eldering does not disclose "repeatedly sending data." Eldering discloses a system that sends auxiliary data whenever the channel is idle, therefore one piece of data would be sent in smaller parts repeatedly. The examiner admits that the applicant's invention may be performing in a different matter, but this difference is not made clear in the claims and therefore the rejection stands.

Page 32, line 17-page33, line 2:

The applicant argues the instructions taught by Suzuki and the script disclosed by the applicant differs, and that the instructions are not repeatedly sent. As the instructions are sent from the headend (column 23, lines 10-12) and the "repeatedly" argument has been dealt with above, the rejection stands. Also, the "script" claimed by the applicant is not descriptive enough to show that it is different than an instruction.

Page 33, lines 3-8:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transmitting and executing a script at different times) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Page 33, lines 13-20:

The applicant argues that Eldering discloses a VOD system. The passages cited by the applicant do not indicate that Eldering is a VOD system. Therefore the rejection stands.

Page 33, line 21-Page 34, line 7:

The applicant repeats an argument already dealt with above.

Page 34, lines 8-14:

The applicant argues that Suzuki teaches a VOD system. While this may be the case, Suzuki is being used to teach transmitting instructions and not the transmission network. Therefore the combination and rejection are valid.

Page 34, lines 15-18:

The applicant repeats an argument already dealt with above.

Page 34, lines 19-22:

The applicant argues the program maps taught by Eldering and the script disclosed by the applicant differs. The "script" claimed by the applicant is not descriptive enough to show that it is different than Eldering's program map, and therefore the rejection stands.

Page 35, lines 7-9:

The applicant argues that Eldering does not teach the reproduction time periods as claimed. The information provided by Eldering show that the reproduction time period would be met if the transfer rates disclosed by Eldering were used. Therefore the rejection stands.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24, 25, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Eldering.

Referring to claim 24, Eldering discloses a broadcasting method for reducing television receiver latencies in displaying the interactive content portion of broadcast television commercials, the method comprising the steps of:

assigning a television program to a first time slot and a commercial to a second time slot immediately after the first time slot (figure 5);

allocating a first portion of the available bandwidth of the first time slot to audiovisual content of the television program (column 10, lines 37-45);

allocating a second portion of the available bandwidth of the first time slot to a specific program having interactive content for the commercial (column 10, lines 37-45; column 6, lines 40-44);

allocating a first portion of the available bandwidth of the second time slot to the specific program (figure 5; column 10, lines 37-45);

allocating a second portion of the available bandwidth of the second time slot to audiovisual content of the commercial (figure 5; column 10, lines 37-45);

transmitting the audiovisual content of the television program during the first time slot (figure 5; column 10, lines 37-45));

repeatedly transmitting the specific program during the first time slot (column 10, lines 37-45);

transmitting the audiovisual content of the commercial during the second time slot (figure 5; column 7, lines 29-37; column 10, lines 37-45); and  
repeatedly transmitting the specific program during the second time slot (figure 5).

Referring to claim 25, Eldering discloses a broadcasting method of claim 24 further comprising transmitting a script for storing the specific program (column 6, lines 40-44; column 7, lines 29-37).

Referring to claim 28, Eldering discloses a broadcasting method of claim 24 further comprising receiving and storing the specific program (column 6, lines 40-44; column 7, lines 29-37).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 9, 11, 12, 14-23, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering, U.S. Patent Number 6,615,039 in view of Suzuki.

Referring to claim 1, Eldering discloses a broadcasting apparatus (column 2, lines 35-38; figure 2, parts 211 and 209) that broadcasts a specific program to which a reproduction time period between a starting time and a finishing time is specified (figure 7, box labeled "PROGRAMMING"; figure 9; Note: the time for inserting the advertisement listed in the "Insert Time" column indicates that the program from figure 7 must have a planned start and stop time), the reproduction being performed by a receiving apparatus (figure 2, part 209), the broadcasting apparatus comprising:

allotment unit operable to allot a broadcasting bandwidth for the reproduction time period to the specific program (column 9, line 67, column 10, lines 1-3) and allotting a part of the broadcasting bandwidth for a preceding time period immediately before the reproduction time period to the specific program and the other part of the broadcasting bandwidth to another program (column 10, lines 2-3, 8-10; figure 7, part AD1 and signals running from part 802 to 806);

script generation unit operable to generate, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-10; Note: a device that stores advertisements would inherently have an instruction that caused the device to store the advertisement),

message generation unit operable to generate a plurality of storage instructions and a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

transmission unit operable to, (a) in accordance with the result of allotment by the allotment unit, repeatedly transmit program data of the other program while transmitting the program data of the specific program in the preceding time period (column 10, lines 37-41; Note: sending the data whenever there is spare bandwidth is being interpreted as being equivalent to repeatedly sending data), and repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-41),

and (b) repeatedly transmit the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45; Note: sending data whenever the channel is idle is interpreted as repeatedly sending the data); and control unit operable to control the transmission unit to transmit the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (figure 3, part 301; column 5, lines 28-43 column 6, lines 40-44)),

wherein the transmission unit further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44), and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46; Note: Eldering shows that a commercial could be broadcast at 1.5 Mbps, while the program itself would require 27-155 Mbps. If the commercial was 0.5 minutes, and the program was 29.5 minutes than the program would need to be broadcast at 88.5 Mbps (if the program and commercial were shown at the same resolution), which falls within the range of 27-155 Mbps and is interpreted as the commercial and the program being broadcast during the same time period).

Eldering does not disclose a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit (column 23, lines 22-25; Note: a script is interpreted as being a set of instructions for an application (Microsoft Computer Dictionary) and the instructions taught by Suzuki are interpreted as being equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 2, Eldering discloses an apparatus of Claim 1, wherein the allotment unit allots the broadcasting bandwidth for the preceding time period so that the part of the broadcasting bandwidth becomes narrower than the other part of the broadcasting bandwidth (column 7, lines 29-37; Note: as the advertisement gets downloaded the bandwidth for the program is going to decrease), and the preceding time period is longer than a time period that is necessary for transmitting the program data of the specific program at least once using the part of the bandwidth (column 7, lines 31-32; Note: advertisements being downloaded shortly in advance is being

interpreted as equivalent to downloading them in a shorter amount of time than it takes to reproduce them).

Referring to claim 4, Eldering discloses an apparatus of Claim 1, further comprising: a storage unit for storing as the program data of the specific program (a) first contents data that makes up the specific program (figure 5, "AD1") and (b) second contents data that is different from the first contents data in part (figure 5, "AD2"), wherein the transmission unit transmits the first contents data in the preceding time period and transmits the second contents data in the reproduction time period of the specific program (column 7, lines 29-34).

Referring to claim 9, Eldering discloses a broadcasting apparatus that transmits a data broadcasting program and a first and a second specific programs which are inserted in the data broadcasting program (figure 7), a total time period between a starting time and a finishing time for broadcasting the data broadcasting program including a first time period during which the first specific program is broadcast and a second time period during which the second specific program is broadcast (figure 5, bottom right hand corner), the broadcasting apparatus comprising: allotment unit operable to (a) allot a part of the broadcasting bandwidth to the first and the second specific programs and the other part of the broadcasting bandwidth to the data broadcasting program for included in a total time period other than the first and the second time periods in the total time period (column 7, lines 29-37); and

(b) allot a part of the broadcasting bandwidth to the first specific program and the other part of the broadcasting bandwidth to the second specific program for the first and the second time periods (column 7, lines 29-37);

script instruction generation unit operable to (i) generate (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and, (b) when receiving a second storage instruction, a script instructing the receiving apparatus to store program data of the second specific program in the storage unit (column 7, lines 28-30; column 10, lines 8-10; figure 7);

message generation unit operable to generate a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and transmission unit operable to

(a) repeatedly transmit the scripts during the total time period,  
(b) in accordance with the result of allotment by the allotment unit (column 10, lines 37-45; Note: sending data whenever the channel is idle is interpreted as repeatedly sending the data);

(i) transmit repeatedly the program data of the data broadcasting program during all of time periods other than the first and the second time periods in the total time period, and

(ii) transmit repeatedly the program data of each of the first and the second specific programs during the total time period (column 10, lines 37-45); and

and control unit operable to transmit the transmission unit so as to transmit (a) a plurality of the first storage instructions before the first time period; (c) a plurality of the second storage instructions before the second time period (column 7, lines 29-37), wherein the transmission unit further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the first time period and the second time period respectively are the same as broadcast time periods of the first commercial program and the second commercial program (column 7, lines 41-46).

Eldering does not disclose a broadcasting apparatus with a script instruction generating means for generating (a) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program in a case that the program data of the second specific program has been stored in the storage unit.

Suzuki discloses a broadcasting apparatus with a script instruction generating means for generating (a) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program data of the first specific program in a case that the program data of the specific

program has been stored in the storage unit and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program in a case that the program data of the second specific program has been stored in the storage unit (column 23, lines 22-25; Note: if you are caching multiple programs as disclosed in Eldering, it would be obvious that you would need multiple copies of the signals disclosed in Suzuki), and a message generation means for generating a first reproduction instruction and a second reproduction instruction (figure 4; column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 11, Eldering discloses an apparatus of Claim 9, further comprising: storage unit operable to store as the program data of the first specific program (a) first contents data that makes up the first specific program (figure 5, "AD1") and (b) second contents data that is different from the first contents data in part (figure 5, "AD2"), wherein the transmission unit transmits the first contents data in a time period other than the first time period in the total time period, and transmits the second contents data in the first time period (column 7, lines 29-34).

Referring to claim 12, Eldering discloses a broadcasting apparatus that transmits a data broadcasting program and a first and a second specific programs which are inserted in the data broadcasting program (figure 7), the broadcasting apparatus comprising: allotment unit operable to

(a) allot a broadcasting bandwidth period and a second time period to the first specific program and the second specific program (figure 7), the first time period and the second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program, and for a first time

(b) allot (1) a broadcasting bandwidth to the data broadcasting data program in the total time period except for the first time period and the second time period (column 7, lines 29-37), (2) a part of the broadcasting bandwidth to the first specific program for a time period preceding to the first time period in the total time period (column 7, lines 29-37), and (3) a part of the broadcasting bandwidth to the second specific program for a time period preceding to the second time period in the total time period (column 7, lines 29-37);

script instruction generation unit operable to (i) generate (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and, (b) when receiving a second storage instruction , a script instructing the receiving apparatus to store program data of the second specific program in the storage unit (column 7, lines 28-30; column 10, lines 8-10; figure 7);

message generation unit operable to generate a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

transmission unit operable to

(a) repeatedly transmit the during the total time period (column 10, lines 37-45);

(b) in accordance with the result of allotment by the allotment unit

(i) transmit repeatedly the program data of the data broadcasting program during all of time periods other than first and second time periods in the total time period (column 8, lines 34-36, column 10, lines 37-45)

(ii) transmitting repeatedly the program data of the first specific program during the first time period and the time period preceding the first time period; and

(iii) transmitting repeatedly the program data of the second specific program during the second time period and the time period preceding the second time period (column 10, lines 37-45)

and control unit operable to control the transmission unit so as to transmit (a) a plurality of the first storage instructions before the first time period, (b) a plurality of the second storage instructions before the second time period (Note: the storage instructions would have to be transmitted prior to the first period or it wouldn't be effective to store the program after the program was supposed to be reproduced), wherein the transmission unit further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the

program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the first time period and the second time period respectively are the same as broadcast time periods of the first commercial program and the second commercial program (column 7, lines 41-46).

Eldering does not disclose a broadcasting apparatus with a script instruction generating means for generating (a) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program in a case that the program data of the second specific program has been stored in the storage unit.

Suzuki discloses a broadcasting apparatus with a script instruction generating means for generating (a) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program in a case that the program data of the second specific program has been stored in the storage unit (column 23, lines 22-25;

Note: if you are caching multiple programs as disclosed in Eldering, it would be obvious that you would need multiple copies of the signals disclosed in Suzuki).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 14, Eldering discloses an apparatus of Claim 12, further comprising: storage unit operable to store as the program data of the first specific program (a) first contents data that makes up the first specific program (figure 5, "AD1") and (b) second contents data that is different from the first contents data in part (figure 5, "AD2"), wherein the transmission unit transmits the first contents data in a time period preceding to the first time period in the total time period, and transmits the second contents data the first time period (column 7, lines 29-34).

Referring to claim 15, Eldering discloses a broadcasting method for broadcasting a specific program to which a reproduction time period between a starting time and a finishing time is specified (figure 7, figure 9), the reproduction being performed by a receiving apparatus (figure 2, part 209), the broadcasting method comprising the steps of: an allotment step for allotting a broadcasting bandwidth for the reproduction time period to the specific program (figure 7) and allotting a part of the broadcasting

bandwidth for a preceding time period immediately before the reproduction time period to the specific program and the other part of the broadcasting bandwidth to other program (column 7, lines 29-37);

script generation means for generating, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-10; Note: a device that stores advertisements would inherently have an instruction that caused the device to store the advertisement),

message generation means for generating a plurality of storage instructions and a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step, in accordance with the result of allotment in the allotment step, for (a) repeatedly transmitting program data of the other program while transmitting program data of the specific program in the preceding time period (column 10, lines 37-45), and (b) repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-45),

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45),

a control step for controlling a transmission unit to transmit the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (column 7, lines 29-37),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44), and

the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit (column 23, lines 22-25;

Note: a script is interpreted as being a set of instructions for an application (Microsoft Computer Dictionary) and the instructions taught by Suzuki are interpreted as being equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 16, Eldering discloses a broadcasting method for transmitting a data broadcasting program and a first specific program and a second specific program which are interposed in the data broadcasting program (figure 7), a total time period between a starting time and a finishing time for broadcasting the data broadcasting program including a first time period during which the first specific program is broadcast and a second time period during which the second specific program is broadcast (column 10, lines 37-45), the broadcasting method comprising the steps of:

an allotment step for

(a) allotting a part of the broadcasting bandwidth to the first and the second specific programs and the other part of the broadcasting bandwidth to the data broadcasting program for all of time periods other than the first and the second time periods in the total time period (column 7, lines 29-37);

(b) allotting a part of the broadcasting bandwidth to the first specific program and the other part of the broadcasting bandwidth to the second specific program for the first and the second time periods (column 10, lines 37-45);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for,

(a) repeatedly transmitting the scripts during total time period, transmitting (a) the first storage instructions before the first time period, (c)a plurality of the second storage instructions before the second time period,

(b) in accordance with the result of allotment by the allotment step,

(i) transmitting repeatedly the program data of the data broadcasting program during all of time periods other than the first and second time periods in the total time period, and

(ii) transmitting repeatedly the program data of each of the first and second specific programs during the total time period (column 10, lines 37-45);

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the

specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 17, Eldering discloses a broadcasting method for transmitting a data broadcasting program and a first specific program and a second specific program which are inserted in the data broadcasting program (figure 7), the broadcasting method comprising the steps of: an allotment step for (a) allotting a broadcasting bandwidth for a first time period and a second time period to the first specific program and the second

specific program, the first time period and the second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program (figure 7), and (b) allotting (1) a broadcasting bandwidth to the data broadcasting data program in the total time period except for the first time period and the second time period, (2) a part of the broadcasting bandwidth to the first specific program for a time period preceding to the first time period in the total time period, and (3) a part of the broadcasting bandwidth to the second specific program for a time period preceding to the second time period in the total time period (column 7, lines 29-37);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for

repeatedly transmitting (i) a plurality of the first storage instructions before the first time period, (ii) a plurality of the second storage instructions before the second time period, during the total time period (column 8, lines 34-46; column 10, lines 37-45), and (b) in accordance with the result of allotment by the allotment unit,

(i) transmitting repeatedly the program data of the data broadcasting program during all of time periods other than the first and the second time periods in the total time period (column 8, lines 34-46; column 10, lines 37-45),

(ii) transmitting repeatedly the program data of the first specific program during the first time period and the time period preceding to the first time period, and

(iii) transmitting repeatedly the program data of the second specific program during the second time period and the time period preceding to the second time period (column 8, lines 34-46; column 10, lines 37-45); and

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44);

the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 18, Eldering discloses a program recording medium which is readable for a computer in a broadcasting apparatus (column 4, lines 30-33; Note: use on the internet is being interpreted as being used on a computer, which would run a program), the broadcasting apparatus broadcasts a specific program to which a reproduction time period between a starting time and finishing time is specified (figure 7, figure 9), the reproduction being performed by a receiving apparatus the computer program embodied on the program recording medium has the computer conduct the steps of: an allotment step for allotting a broadcasting bandwidth for the reproduction time period to the specific program (figure 7, figure 9) and allotting a part of the

broadcasting bandwidth for a preceding time period immediately before the reproduction time period to the specific program and the other part of the broadcasting bandwidth to other program (column 7, lines 29-37);

a script generation means for generating, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-10; Note: a device that stores advertisements would inherently have an instruction that caused the device to store the advertisement),

message generation means for generating a plurality of storage instructions and a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

transmission unit for, (a) in accordance with the result of allotment by the allotment means, repeatedly transmitting program data of the other program while transmitting program data of the specific program in the preceding time period (column 10, lines 37-41; Note: sending the data whenever there is spare bandwidth is being interpreted as being equivalent to repeatedly sending data), repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-41),

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45; Note: sending data whenever the channel is idle is interpreted as repeatedly sending the data); and control means for controlling the transmission means to transmit

the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (figure 3, part 301; column 5, lines 28-43 column 6, lines 40-44)),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44), and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose a system with script generating means for generating, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus, and (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit (column 23, lines 22-25; Note: a script is interpreted as being a set of instructions for an application (Microsoft Computer Dictionary) and the instructions taught by Suzuki are interpreted as being equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 19, Eldering discloses a program recording medium which is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus transmits a data broadcasting program and a first and a second specific programs which are interposed in the data broadcasting program (figure 7), a total time period between a starting time and a finishing time for broadcasting the data broadcasting program including a first time period during which the first specific program is broadcast and a second time period during which the second specific program is broadcast (column 10, lines 37-45), the computer program embodied on the program recording medium has the computer conduct the steps of:

an allotment step for

(a) allotting a part of the broadcasting bandwidth to the first and the second specific programs and the other part of the broadcasting bandwidth to the data broadcasting program for all of time periods other than the first and the second time periods in the total time period (column 7, lines 29-37); and

(b) allotting a part of the broadcasting bandwidth to the first specific program and the other part of the broadcasting bandwidth to the second specific program for the first and second time periods (column 10, lines 37-45);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for,

repeatedly transmitting the scripts during the total time period, transmitting (a) a plurality of the first storage instructions before the first time period, and (c) a plurality of the second storage instructions before the second time period,

(b) in accordance with the result of allotment by the allotment step,

(i) transmitting repeatedly the program data of the data broadcasting program during all of time periods other than the first and the second time periods in the total time period, and

(ii) transmitting repeatedly the program data of each of the first and the second specific program during the total time period (column 10, lines 37-45);

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting

apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 20, Eldering discloses a program recording medium which is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus transmits a data broadcasting program and a first and a second specific programs which are interposed in the data broadcasting program (figure 7), the computer program embodied on the program recording medium has the computer conduct the steps of: an allotment step for (a) allotting a broadcasting bandwidth for a first time period and a second time period to the first specific program the first time period and the and the second specific program, second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program (figure 7), and (b) allotting (1) a broadcasting bandwidth to the data broadcasting data program in the total time period except for the first time period and the second time period (column 7, lines 29-37), (2) a part of the broadcasting bandwidth to the first specific program for a time period preceding to the first time period in the total time period (column 7, lines 29-37), and (3) a part of the broadcasting bandwidth to the second specific program for a time period preceding to the second time period in the total time period (column 7, lines 29-37);  
a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of

the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for

repeatedly transmitting (a) a plurality of the first storage instructions before the first time period, (b) a plurality of the second storage instructions before the second time period, while repeatedly transmitting the program data of each of the data broadcasting program (column 10, lines 37-45),

and (b) in accordance with the result of allotment by the allotment step

(i) transmitting repeatedly the program data of the data broadcasting program during all of time periods other than the first and the second time periods in the total time period, and

(ii) transmitting repeatedly the program data of each of the first specific program during the first time period and the time period preceding to the first timer period; and

(iii) transmitting repeatedly the program data of the second specific program during the second time period and the time period preceding to the second time period (column 10, lines 37-45);

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has

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the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to

enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 21, Eldering discloses a program that is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus broadcasts a specific program to which a reproduction time period between a starting time and finishing time is specified (figure7), the reproduction being performed by a receiving apparatus (figure 2, part 201), the program has the computer conduct the steps of: an allotment step for allotting a broadcasting bandwidth for the reproduction time period to the specific program (figure 7) and allotting a part of the broadcasting bandwidth for a preceding time period immediately before the reproduction time period to the specific program and the other part of the broadcasting bandwidth to other program (column 7, lines 29-37);

script generation means for generating, (a) when receiving a storage instruction, a script instructing the receiving apparatus to store program data of the specific program in a storage unit of the receiving apparatus (column 7, lines 28-30; column 10, lines 8-10; Note: a device that stores advertisements would inherently have an instruction that caused the device to store the advertisement),

message generation means for generating a plurality of storage instructions and a reproduction instruction (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step, in accordance with the result of allotment in the allotment step, for (a) repeatedly transmitting program data of the other program while transmitting program data of the specific program in the preceding time period, and (b) repeatedly transmitting the program data of the specific program in the reproduction time period (column 10, lines 37-45),

and (b) repeatedly transmitting the scripts in a time period when the program data of the specific program is transmitted (column 8, lines 34-36, column 10, lines 37-45; Note: sending data whenever the channel is idle is interpreted as repeatedly sending the data); and control means for controlling the transmission means to transmit the storage instructions in the preceding time period and to transmit the reproduction instruction at the starting time (figure 3, part 301; column 5, lines 28-43 column 6, lines 40-44)),

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message, which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit.

Suzuki discloses a system with script generating means for generating, (b) when receiving a reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the specific program in a case where the program data of the specific program has been stored in the storage unit (column 23, lines 22-25; Note: a script is interpreted as being a set of instructions for an application (Microsoft Computer Dictionary) and the instructions taught by Suzuki are interpreted as being equivalent to a script).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 22, Eldering discloses a program that is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus transmits a data broadcasting program and a first and a second specific programs which are interposed in the data broadcasting program (figure 7), a total time period between a starting time and a finishing time for broadcasting the data broadcasting program including a first time period during which the first specific program is broadcast and a second time period during which the second specific program is broadcast (column 10, lines 37-45), the program has the computer conduct the steps of: an allotment step for

(a) allotting a part of the broadcasting bandwidth to the first and the second specific programs and the other part of the broadcasting bandwidth to the data broadcasting program for all of time periods other than the first and the second time periods in the total time period (column 7, lines 29-37);

(b) allotting a part of the broadcasting bandwidth to the first specific program and the other part of the broadcasting bandwidth to the second specific program for the first and the second time periods (column 10, lines 37-45);

a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, lines 40-44),

a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

and a transmission step for,

(a) repeatedly transmitting the scripts during the total time period transmitting the first storage instructions before the first time period, and (c) a plurality of the second storage instructions before the second time period (column 10, lines 37-45),

(b) in accordance with the result of allotment by the allotment step,

(i) transmitting repeatedly the program data of the data broadcasting program during all of time periods other than the first and the second time periods in the total time period, and

(ii) transmitting repeatedly the program data of each of the first and the second specific program during the total time period (column 10, lines 37-45);

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second

reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 23, Eldering discloses a program that is readable for a computer in a broadcasting apparatus (column 4, lines 30-33), the broadcasting apparatus transmits a data broadcasting program and a first and a second specific programs which are interposed in the data broadcasting program (figure 7), the program has the computer conduct the steps of: an allotment step for (a) allotting a broadcasting bandwidth for a first time period and a second time period to the first specific program and the second specific program, the first time period and the second time period are included in a total time period between a starting time and a finishing time for broadcasting the data broadcasting program (figure 7), and (b) allotting (1) a broadcasting bandwidth to the data broadcasting data program in the total time period except for the first time period and the second time period, (2) a part of the broadcasting bandwidth to the first specific program for a time period preceding to the first time period in the total time period, and (3) a part of the broadcasting bandwidth to the second

specific program for a time period preceding to the second time period in the total time period (column 7, lines 29-37);

    a script instruction generating step for (i) generating (a) when receiving a first storage instruction, a script instructing the receiving apparatus to store program data of the first specific program in a storage unit of the receiving apparatus and (b) when receiving a second storage instruction, a script instructing receiving apparatus to store program data of the second specific program in the storage unit (column 6, liens 40-44),

    a message generation step for generating a plurality of first storage instructions, a plurality of second storage instructions (figure 3, part 301; column 5, lines 28-43; column 6, lines 40-44);

    and a transmission step for

        (a) repeatedly transmitting (i) a plurality of the first storage instructions before the first time period, (II) a plurality of the second storage instructions before the second time period (column 10, lines 37-45) , and

        (b) in accordance with the result of allotment by the allotment step,

            (i) transmitting repeatedly the program data of the data broadcasting program during all of time periods other than the first and the second time periods in the total time period, and

            (ii) transmitting repeatedly the program data of each of the first ant the second specific program during the total time period;

            (iii) transmitting repeatedly the program data of the second specific program during the second time period and the time period preceding to the second time period

(iii) transmitting repeatedly the program data of the second specific program during the second time period and the time period preceding to the second time period;;

wherein the transmission means further transmits a normal program that includes a video stream and an audio stream (column 6, lines 40-44), the specific program has the program data that relates to a commercial message which is inserted in the normal program (column 6, lines 40-44).

and the reproduction time period of the specific program is the same as a broadcast time period of the commercial message (column 7, lines 41-46).

Eldering does not disclose an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit.

Suzuki discloses an apparatus where generating (ii) when receiving a first reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the first specific program in a case that the program data of the specific program has been stored in the storage unit, and (b) when receiving a second reproduction instruction, a script instructing the receiving apparatus to reproduce the program data of the second specific program of the second specific program has been stored in the storage unit (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Referring to claim 26, Eldering does not disclose a broadcasting method of claim 25 further comprising transmitting a script for executing the specific program.

Suzuki discloses a broadcasting method of claim 25 further comprising transmitting a script for executing the specific program (column 23, lines 22-25).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the reproduction controls from Suzuki in the broadcasting apparatus disclosed in Eldering. The motivation for doing this would have been to enable the cable network to control which programs were authorized to play on which subscriber's systems.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering.

The examiner takes Official Notice that it is notoriously well known in the art to use a carousel to distribute video data.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the carousel video distribution to the system disclosed by Eldering. The

motivation would have been to enable one commercial to be repeatedly broadcast so it could be played more than once as most commercials are.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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